

STATE OF HAWAII
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Honolulu, Hawaii

REF:OCCL:DH

CDUA OA-3266

Acceptance Date: November 14, 2005
180-Day Exp. Date: May 13, 2006

April 13, 2006

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Request for 180-Day Time Extension to the 180-day Processing Period Conservation District Use Application for the Conservation District Use Application (CDUA) OA-3266 to process Haseko request to utilize State-owned land for proposed drainage system improvements

APPLICANT: Sharene Saito Tam, HASEKO (Ewa). Inc. 91-1001 Kaimalie Street, Suite 205, Ewa Beach, Hawaii 96706-5005

AGENT: Linnel Nishioka, Ishikawa Morihara Lau & Fong LLP, 400 Davis Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813, 808-528-4200

LANDOWNER: State Department of Land and Natural Resources

LOCATION: Ewa District, Island of Oahu

TMKs: (1) 9-1-11:002 and 003

USE: Approximately 42 feet of the 75-foot ocean outlet approximately 0.06 acres (2,613 square feet) of area for the drainage system, and staging area

SUBZONE: Resource Subzone

BACKGROUND:

On November 14, 2005, the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL) accepted an application for a Conservation District Use Permit OA-3266 by Haseko to construct a drainage portion outlet to improve existing storm water drainage facilities serving the mauka portion of Papipi Road corridor subdivision. Approximately 42 feet of the 75-foot ocean outlet will be makai of the shoreline, approximately 280 cubic yards of material will be excavated, and approximately 0.06 acres (2,613 square feet) of area will be disturbed for the drainage system, and staging area. Excavated material will come from above the water table. The site is located in the Resource subzone.

TIME EXTENSION REQUEST:

On March 24, 2006, the applicant requested an extension of 180 days to the statutory 180-day processing period. The new expiration date, if approved, will be November 9, 2006 (**Exhibit 1**).

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board." The subject request is for a 180-day time extension.

DISCUSSION:

The application is currently in Contested Case Hearing mode. A Hearing Officer still needs to be hired, and a hearing on standing and pre-hearing conference still needs to be scheduled. Therefore, a request for a 180-day extension has been requested by the applicant's agent. At this point, staff believes that all interests are best served by extending the CDUA processing period to allow for the continuance of the Contested Case Hearing.

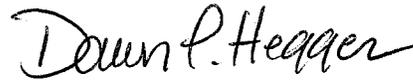
Since the applicant is requesting more than a 90-day time extension request, the request must be approved by the Board.

Staff, therefore, recommends as follows:

RECOMMENDATION:

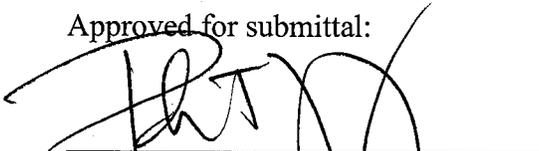
That the Board of Land and Natural Resources approve this request to extend the processing period for CDUA OA-3266 an additional 180-days (to **November 9, 2006**) to allow sufficient time to complete contested case hearing process.

Respectfully submitted,



DAWN T. HEGGER
Staff Planner

Approved for submittal:



PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

March 24, 2006

Samuel Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

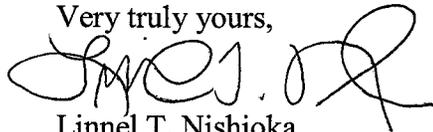
Re: Request for Extension for CDUA OA-3266

Dear Sam:

On behalf of our client, HASEKO (Ewa), Inc., this letter is to request an extension of 180 days to process the conservation district use application for the Papipi Road Drainage Improvement Project (CDUA OA-3266). The project is located in Ewa Beach, Oahu. The portion of the project that is the subject of this application is located on a small strip of state land makai of T.M.K. Nos. 9-1-11, parcels 2 & 3.

If you have any questions, please contact me at 528-4200. Your continued assistance in this matter is greatly appreciated.

Very truly yours,



Linnel T. Nishioka

Attorney for Applicant, HASEKO (Ewa), Inc.

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OFFICE OF CONSERVATION
AND COASTAL LANDS
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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

cc: Nancy Maeda, HASEKO (Ewa), Inc.

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